

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5519 of 2007

02.4.2007

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Between

V.Ramachandra Reddy, S/o.Rami Reddy

And another

... Petitioner

AND

-

The District Collector, Kadapa District

And others

... Respondents

-

-

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THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5519 of 2007

ORDER:

The two petitioners are residents of Balupalle village of Chintakommadinne Mandal in Kadapa District. They are aggrieved by the drawal of water by the third respondent from a bore well dug in survey No.32 of the village. The petitioners allege that the bore well dug by the third respondent is situated within a distance of 150 meters from four bore wells, which are the source of drinking water for the entire population of the village, and in spite of the representation dated 05.3.2007, the respondents failed to take any action.

A copy of the representation is annexed to the writ petition. The District Collector, to whom the representation was made, endorsed the same to the Mandal Revenue Officer (MRO), Chintakommadinne Mandal, to examine the matter and take necessary action. Even before any action could be taken, the present writ petition is filed.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (General-A), a direction to the respondents to take action within the timeframe cannot be issued as held by this Court

in **Mir Fazle Ali Nasiri v State of A.P.**^[1]. This Court further observes that the first respondent dug a well much prior coming into force of A.P. Water, Land and Trees Act, 2002. In such circumstances, unless and until the bore well of the third respondent is required for providing drinking water to the villagers and necessary action as contemplated under Rule 15 of A.P. Water, Land and Trees Rules, 2002, is taken,

the third respondent cannot be deprived of his right to enjoy his resources. The respondents 1 and 2 may look into the matter and take necessary action in accordance with law.

The writ petition is accordingly dismissed. No costs.

(V.V.S.RAO,J)

April 02, 2007.

YS

[1] 2007(2) ALD 3